THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.16149 of 1999

DATED: 19-04-2007

Between:-

Eggada Appanna and others.

.. Petitioners

and

T h e Mandal Revenue Officer, Anakapalli Mandal, Visakhapatnam District.

.. Respondent

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.16149 of 1999

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondent in not restoring the land in favour of the petitioners as per the provisions of Section 4 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977, as illegal and arbitrary; and consequently to direct the respondent to restore the lands in favour of the petitioners.

The brief facts of the case are that the Government assigned lands in an extent of Acres 1.46 cents in Sy.No.50/30, Acres 1.36 cents in Sy.No.50/31 and Acres 3.38 cents in Sy.No.50/28 respectively situated at Vetajangalapalem village of Visakhapatnam District, in favour of the petitioners 1 to 3. Having been put in possession of the said lands, the petitioners are cultivating the same. While so, due to financial distress, they were forced to sell the lands. Subsequently, the then Mandal Revenue Officer issued a notice, dated 18.11.1996, in Rc.No.653/96, under the provisions of A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act'), for resumption of the said lands. Thereupon, the petitioners submitted a representation, dated 11.06.1999, to the respondent requesting to restore the lands in their favour as per the provisions of Section 4 of the Act. The petitioners complain that the respondent has not passed any orders on their said representation, dated 11.06.1999. They further allege that as

per the provisions of Section 4 of the Act, the land resumed in favour of the Government in violation of the condition of assignment has to be restored to the original assignee, and the action of the respondent in not restoring the lands to them is arbitrary and illegal.

Despite the fact that notices were served on the respondent, the respondent has not chosen to file any counter.

Heard both sides.

Admittedly, no interim order was passed by this Court. The grievance of the petitioners is that no orders were passed by the respondent on their representation, dated 11.06.1999, seeking restoration of the land in their favour. If really such a representation is pending before the respondent and no orders were passed till today, the respondent is hereby directed to consider the same and pass appropriate orders in accordance with law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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GOPALA KRISHNA TAMADA, J

19th April, 2007
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